

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims**

1. (currently amended) An isolated polynucleotide comprising ~~or consisting of~~:
  - (a) a nucleotide sequence of SEQ ID NO: 1 or a modification, variant or fragment ~~(part) thereof~~;
  - ~~(b) a nucleotide sequence thereof~~ having at least 50% identity 95% identity to the nucleotide sequence of (a); SEQ ID NO: 1 wherein said modification, variant or fragment thereof is capable of hybridising to the complement of SEQ ID NO: 1; or
  - (b) a complement to (a).
  - ~~(c) a nucleotide sequence capable of hybridising to a polynucleotide according to (a) or (b); preferably under stringent conditions, or~~
  - ~~(d) a fragment of a polynucleotide according to any one of (a) to (c).~~
2. (canceled)
3. (canceled)
4. (canceled)

5. (canceled)

6. (canceled)

7. (currently amended) A polynucleotide according to claim 1, ~~comprising or consisting of a nucleotide sequence~~ having at least 97% identity with a polynucleotide according to (a), or a ~~sequence hybridising therewith, or a fragment~~ or a complement thereof.

8. (currently amended) A polynucleotide fragment comprising ~~or consisting of~~ at least 5, 10, 15, 20, 25, 30 or more contiguous nucleotides of a polynucleotide according to any one of the preceding claims wherein said fragment is capable of hybridising to a polynucleotide according to any one of the preceding claims.

9. (currently amended) A probe or primer comprising ~~or consisting of~~ a polynucleotide fragment according to claim 8.

10. (currently amended) A recombinant DNA comprising ~~or consisting of~~ a polynucleotide sequence according to either claim 1 or claim 7 ~~any one of the preceding claims~~.

11. (original) An isolated bacterium including a polynucleotide according to claim 1.

12. (currently amended) An isolated bacterium according to claim 11 ~~claim 12~~ identified as *Candidatus Endoecteinascidia frumentensis*.